REMARKS

Claims 1-12 and 14-16 are rejected.
Claims 1-12 and 14-16 are rejected.
Claim 13 is canceled.

I. Rejection of Claims 1-12 and 14-16 under 35 U.S.C. 103(a)

The Examiner rejected Claims 1-12 and 14-15 under 35 U.S.C. 103(a) in view of Manson et al. (U.S. Patent 6,543,051, hereafter referred to as 'Manson') in view of Pinder et al. (U.S. Patent 6,111,074, hereafter referred to as 'Pinder'). Applicants disagree with this ground of rejection.

A. In respect to Claims 1, 7, and 12 the Applicants assert that the totality of the Examiner's combination of Manson with Pinder would be performed in such a way where the Applicant's claimed solution of using packet identifier would not be the selected solution, in view of the disclosures of both references. Manson teaches that two different types of techniques are used to transmit information. One approach described in Manson uses of an in-band signal which is used for transmitting video and audio programming in the form of an MPEG stream. The other approach is an out of band signal which includes control information and other information (Manson, col. 3, lines 27-43).

The Examiner in the rejection goes to the "in-band" solution where a converted alert message would be transmitted is part of the MPEG transport stream, in a manner, as claimed by the Applicant. Applicants however disagrees with this assertion in that in view of Pinder, Manson would disclose the transmission of alert message information in the "out of band" (non-broadcast stream) information, which is opposite of what the Examiner states. Specifically, Manson describes a new data format which is used for transmitting a weather alert (Manson, col. 5, lines 30-55). If one were then to consider the transmission system used, as in Pinder, one would see that the system of Pinder would have a difficult time working with MPEG 2 transport streams, in that the system has to select specific cell towers in which to designate the transmission of information. It would therefore be better to use "out of band" information from Manson with Pinder (which is not the broadcast stream) so that an alert message could be

transmitted to a cellular receiving device using the new alert message developed in Manson.

If one were to employ the approach suggested by the Examiner, one of the ordinary skill in the art, in view of Manson with Pinder, for not want to have to add the additional steps of creating new data packets and insert such packets into the broadcast television stream. Instead, on of the ordinary skill in the art would want to take advantage of the "out-of-band" option of Manson because to transmit the alert messages in Pinder, a central control site 115 (of Pinder) would be able to more easily select what cell towers (122, 132, 142) to send an alert message described in Manson by reading such out-of-band information directly instead of having to utilize a program identifier table (for packet identifiers) as to determine whether or not particular parts of the MPEG stream should be transmitted or not. That is, the system of Manson and Pinder would directly want to use out of band information because such information can be used without having to considering what is in the MPEG transport stream (as in band information which would require determining what the packets represent).

B. Applicants conclude that "out of band" information of Manson would also be used if one were to consider the alternative approach in Pinder of transmission where specific subscribes are identified for the transmission of alert information (Pinder, col. 3, line 64 to col. 4, line 11). Once again, if the Examiner's suggestions were used, in view of Manson and Pinder, the transmitter system would require much more structure where the PIDs of the transport stream (from Manson) would need to be read in the transmission system in Pinder as to determine, once again, what cell towers need to be used to transmit such messages. One of the ordinary skill in the art would do the opposite of what the Examiner suggests in Manson and Pinder, and put the alert message (of Manson) into out of band information, so that the transport stream (as in band information) would not need to be consulted or require the use of a PID table if one had to select particular cell towers in which to transmit an alert message.

The Applicants invention therefore non-obvious in view of the Examiner's combination in that one of the ordinary skill in the art would not implement that Examiner's claimed combination in the manner as suggested, without applying hindsight of the Applicants' invention. That is, the combination of Manson and Pinder, as applied by one of the ordinary skill in the art, would yield an invention

that is directly opposite of what the Examiner's states (and of Claims 1, 7, and 12).

C. Applicants invention is further removed from the Examiner's combination in that the Examiner does not explain why one of the ordinary skill in the art, would use Packet Identifiers in the manner claimed by the Applicants, in that the combination of Manson and Pinder would not suggest such a feature, nor, for the reasons stated above, would such a feature be used by one of the ordinary skill in the art. Specifically, the use of out of band information would not have one use packet identifiers for a MPEG stream.

D. In the rejection to Claim 6, the Examiner states that "Manson implicitly teaches to include any type of alert message upon request by adding an even code field with a proper message name field to indentify the alert message related to a missing person." Hence, the Examiner concludes that it would be obvious to incorporate "any" message in the system of Manson in view of Pinder. This is not the correct legal standard to apply 35 U.S.C. 103(a), as such a claimed feature of "including an alert related to a missing person" is still missing from the Examiner's rejection. Manson is pretty exhaustive in terms of the type of messages being taught, see Table 2, where such warnings are weather related. The combination of Manson in view of Pinder is not as general as what the Examiner states, rather Manson in view of Pinder suggest a limitation to the messages being transmitted as being only weather related, and nothing else. This is not as expansive as what the Examiner states in the rejection and would not cover "missing person" information as claimed in Claim 6.

For the reasons given above, Applicants assert that Claims 1, 6, 7, and 12 are patentable and dependent Claims 2-5, Claims 8-11, and Claims 13-14 are patentable as such claims dependent on allowable Claims 1, 7, and 12, respectively.

Accordingly, the allowance of the pending claims is respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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February 27, 2009